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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/801,471	
	Filing Date	03/08/2001	
	First Named Inventor	Terstappen	
	Art Unit	1643	
	Examiner Name	Canella, Karen A.	
Total Number of Pages in This Submission	13	Attorney Docket Number	IMMC 234

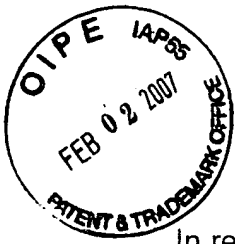
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Terstappen et al.

Serial No. 09/801,471

Filed: 03/08/2001

For: Labeled Cells For Use As An Internal  
Functional Control In Rare  
Cell Detection Assays.

Examiner: Karen A. Canella

Group Art Unit: 1643

Response to 01/03/2007  
Office Action

Our File No.: IMMC 234

**RESPONSE**

**Claim Rejection under 35 USC § 112**

Claims 1-4, 10-14, 28-31, 35-42, 46, 55-59 are rejected as being indefinite under 35 U.S.C. second paragraph.

Claim 55 recites an "improved kit" without reciting to what the improvement is in reference to.

**#1 Response:**

The improvement refers to the incorporation of control cells from the present invention in a kit designed to screen patient samples for circulating tumor cells. The improvement is based on the use of the kit in analyzing patient samples with minimal erroneous negative results (page 2, para 0021). In the isolation of rare circulating cells and in facilitating the practice of the methods described, a improved kit containing this element, is provided (page 5, para 0042). Accordingly, applicant has amended claim 55 to specify the improvement as facilitating the reduction of negative results and further clarify the claim.

Claims 1, 10, 28 recite "efficient immunomagnetic recovery" which is indefinite.

**#2 Response:**